

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HITUL GANDHI, individually, and on behalf of §
a class of others similarly situated,

Plaintiff,

v.

Case No. 1:08cv-00248-SS

DELL INC.,
and
DELL MARKETING USA L.P.,

Defendants.

PLAINTIFF'S AND DEFENDANTS' PROPOSED SCHEDULING ORDER

Plaintiff, Hitul Gandhi, brings this action on behalf of himself and on behalf of a class of others similarly situated pursuant to 29 U.S.C. §216(b) of the Fair Labor Standards Act. Defendants deny that certification of a collective action is appropriate.

Because Plaintiff seeks to have this case certified as a collective action and to send Notice (pursuant to a form to be authorized by the Court) to potential members of a purported FLSA collective action, the parties jointly propose the attached Scheduling Order with dates for preliminary discovery and briefing through the Motion to Certify.

Because of the need for resolution of the certification issue, the parties have proposed a non-standard Scheduling Order under Local Rule CV 16(a).

Respectfully submitted,

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SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. The parties shall complete all discovery related to Plaintiff's Anticipated Motion for Certification as a collective action under 29 U.S.C. §216(b) on or before October 24, 2008.

2. Plaintiff shall file his Motion for Certification under 29 U.S.C. §216(b) by November 3, 2008.

3. Defendants shall file their Response to the Motion for Certification under 29 U.S.C. §216(b) no later than December 4, 2008, or 30 days after the filing of Plaintiff's Motion, if the Motion is filed before November 3, 2008.

4. Plaintiff shall file his Reply, if any, no later than December 19, 2008, or 15 days after the filing of Defendants' Response, if the Motion is filed before November 3, 2008.

Signed this _____ day of July, 2008.

UNITED STATES DISTRICT JUDGE

AGREED:

/s/ George A. Hanson

Attorney for Plaintiff, Hitul Gandhi

/s/ Jeffrey C. Londa

Attorney for Defendants, Dell Marketing U.S.A. LP and Dell Inc.

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